

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

|                              |   |                        |
|------------------------------|---|------------------------|
| -----X                       |   |                        |
| PENN-STAR INSURANCE COMPANY, | : |                        |
|                              | : |                        |
| Plaintiff,                   | : | 23-CV-3698 (JHR) (OTW) |
|                              | : |                        |
| -against-                    | : | <b><u>ORDER</u></b>    |
|                              | : |                        |
| LANDMINE LLC., et al.,       | : |                        |
|                              | : |                        |
| Defendants.                  | : |                        |
| -----X                       |   |                        |

**ONA T. WANG, United States Magistrate Judge:**

Defendant Five Star Elevator Testing Inc. (“Five Star”) has not appeared in this action, may be in default, and has thus not consented to my jurisdiction under 28 U.S.C. § 636(c). From the Court’s review of the docket, it appears that Five Star was served on May 23, 2023, (see ECF 25), yet no action has been taken by any party to address Five Star’s status in this case since then (e.g., moving for default or dismissing Five Star).

The parties seeking relief from Five Star are directed to file a letter by **May 23, 2025**, apprising the Court on whether they plan to: (1) move for default as to Five Star, which motion will be before me and will require a Report and Recommendation to Judge Rearden; (2) dismissing Five Star from this action under Fed. R. Civ. P. 41(a)(1)(A); or (3) otherwise properly join Five Star in this action. If the parties elect to bring Five Star into the present action, Five Star must file a Notice of Appearance and indicate whether they consent to my jurisdiction under 28 U.S.C. § 636(c).

If the parties seeking relief from Five Star fail to file a letter by May 23, I may recommend to Judge Rearden that Five Star be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute.

**SO ORDERED.**

Dated: May 16, 2025  
New York, New York

*s/ Ona T. Wang*  
**Ona T. Wang**  
United States Magistrate Judge